

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

IN THE MATTER OF)	
)	
REQUEST FOR REVIEW OF)	WC DOCKET NO. 02-60
TELEQUALITY COMMUNICATIONS, INC.)	
OF DECISION OF THE UNIVERSAL)	
SERVICE ADMINISTRATOR)	

TO: THE WIRELINE COMPETITION BUREAU

REQUEST FOR REVIEW

TeleQuality Communications, Inc. ("TQCI"), by its attorney and pursuant to sections 54.719(b) and 54.722(a) of the Commission's Rules, hereby requests review of the Universal Service Administrator's ("USAC") denial of the appeal of Timber Hills Mental Health Services/Region IV ("Timber Hills") of USAC's denial of funding under the Rural Health Care (RHC) program.¹

TQCI seeks review on behalf of Timber Hills fundamentally because Timber Hills did not violate the RHC program's competitive bidding rules, as USAC ruled.² Rather, Timber Hills complied fully with the rules, and particularly the 28-day "waiting period rule,"³ but the timeline concerning this matter was misunderstood by USAC in its Appeal Denial. TQCI herein demonstrates that the rules and Commission precedent were fully observed, and accordingly the USAC Appeal Denial should be reversed and funding should be duly granted for Funding Year 2016.

¹ Letter from USAC, Rural Health Care Division, to Mr. Brad Vuncannon, Region IV Mental Health Services (May 10, 2017) ("USAC Appeal Denial"), attached hereto as **Exhibit 1**.

² *See id.*

³ 47 C.F.R. § 54.603(a), (b)(1), (3) (2016).

I. FACTUAL SUMMARY

In summary, as further demonstrated below:

1. As the USAC Appeal Denial correctly states, Timber Hills duly posted an FCC Form 465 for Funding Year 2015 on January 8, 2015. Therein, Timber Hills stated its needs simply as “Transmission of voice and data along with sending and receiving medical records and prescriptions.”⁴ After the requisite 28-day competitive bidding period, Timber Hills selected TQCI, and initially opted to obtain bonded T-1 (6 Mbps) service on a month-to-month basis and Ethernet (10 Mbps) service through a contract with TQCI executed on August 21, 2015. On January 8, 2016, Timber Hills duly submitted Form 466 (FRN 1572999 for contract THM.MS.072915.0116), and USAC approved funding and duly issued an FCL on January 13, 2016.⁵ This much is not in dispute, and is set forth in the USAC Appeal Denial.
2. The USAC Appeal Denial also states that on March 21, 2016-- *still in FY 2015*-- Timber Hills and TQCI signed three additional service agreements, for different circuits at different locations: one for Ethernet 50 Mbps service, and two others for Ethernet 20 Mbps service. This too is not in dispute.⁶
3. What the USAC Appeal Denial did *not* understand is that the March 21, 2016 contracts, executed during FY 2015, were originally for additional services encompassed under the FY 2015 Form 465 that were intended to be activated within FY 2015. Timber Hills requested activation by TQCI within FY 2015, and

⁴ See Timber Hills FY 2015 FCC Form 465 (Jan. 8, 2015), Exhibit 2 hereto.

⁵ See USAC Denial Appeal at p. 2 & nn. 6-8, *citing* FY 2015 FCL for FRN 1572999 (Jan. 13, 2016).

⁶ See USAC Denial Appeal at p. 2 & n. 9.

TQCI began performing under those contracts by ordering the circuits from its underlying carriers and initiating other pre-installation services, on April 28, 2016.⁷ However, due to delays incurred in the circuit ordering process, TQCI was unable to activate these circuits before the end of FY 2015. This is attested to in Timber Hills' appeal letter to USAC ("late installation of the services based on site problems with the installation")⁸ and TQCI's letter to USAC appended thereto ("The intent of TQCI was to have the service installed prior to the end of the 2015FY. Due to the lack of carrier facilities and availability of technicians in this rural area, we were unable to accomplish this").⁹ Timber Hills did not submit Form 466 funding requests for these circuits in FY 2015 for the simple reason that there were no charges to be funded, as no invoices had been issued or received for services that were not activated during the 2015 Funding Year.

4. Because Timber Hills wished to continue to obtain the services described in paragraph 3 above in FY 2016, on May 25, 2016 Timber Hills duly posted a Form 465 for FY 2016. For that reason, this FY 2016 Form 465 gave the same description of its needs that it had in the prior Funding Year: "Transmission of voice and data along with sending and receiving medical records and prescriptions."¹⁰ For this Form 465, no bids were received in response by any service provider during the 28-day period that ended on June 22, 2016. Because the services sought for FY 2016 were the same as the services that had been

⁷ See Spreadsheet attached hereto as **Exhibit 3**.

⁸ Letter from Brad Vuncannon, Region IV Mental Health Services to USAC Rural Health Care Division, Dec. 9, 2017) ("Appeal Letter"), attached hereto as **Exhibit 4**.

⁹ Letter from Tara Nordstrom, TQCI, to USAC Rural Health Care Division, Dec. 9, 2017), appended to Appeal Letter at **Exhibit 4**.

¹⁰ See Timber Hills FY 2016 FCC Form 465 (May 25, 2016), **Exhibit 5** hereto.

contracted for under the March 21, 2016 agreements that had been signed for FY 2015 and under which TQCI had begun performance (although, as explained above, due to the delays the circuits had not been activated), and because TQCI was the only willing service provider in the absence of other bids, Timber Hills elected to take service under those pre-existing contracts with TQCI. This election was squarely within the exception to the 28-day waiting period rule articulated by the FCC in the Bureau's *Waukon Order*: namely, that "applicants may use contracts signed before the expiration of the 28-day waiting period if: (i) the applicant is choosing to continue service under an existing contract; (ii) the applicant competitively bid the services for the new funding year; and (iii) the applicant decides, after reviewing the competitive bids, to continue with the existing contract."¹¹ **Timber Hills did all of these things.** Accordingly, on November 3, 2016, Timber Hills duly submitted Forms 466 for these services, appropriately listing the pre-existing March 21, 2016 contracts. These are the services that were denied funding by USAC and which are the subject of this appeal.

5. In summary, Timber Hills did not violate the competitive bidding rules (*i.e.*, the 28-day rule) by executing new contracts prior to the expiration of the 28-day bidding period for its FY 2016 Form 465, as the USAC Appeal Denial found. Rather, after the 28-day period elapsed on June 22, 2016 with no other bids, Timber Hills adopted the pre-existing active contracts with TQCI that had been

¹¹ *Request for Review Franciscan Skemp Waukon Clinic*, WC Docket No. 02-60, Order, 29 FCC Rcd 11714, 11715, para. 3 (2014) ("*Waukon Order*"), citing *Request for Review of the Decision of the Universal Service Administrator by Kalamazoo Pub. Schs.*, CC Docket No. 96-45, Order on Reconsideration, 17 FCC Rcd 22154, 22157-58, paras. 6-7 (2002) ("*Kalamazoo Order*").

executed during and for FY 2015 and under which TQCI had begun performance within FY 2015. Properly construed and in fact, the FY 2016 funding request was for a continuation of services that had been contracted for and begun in the prior year, although the circuits had not yet been activated.

As described above, TQCI provides various types of telecommunications services to different locations for Timber Hills. Each contract has a distinct Contract Number. Moreover, each service *location* has a unique Billing Account Number (BA #). The relevant contracts were included in the USAC Appeal and herein in **Exhibit 4**. In addition, **Exhibit 3** hereto is a spreadsheet showing the history of each service, the corresponding contracts and BA #s, and, where applicable, the accompanying FRNs, Form 466 filing dates, and USAC actions.¹²

II. TIMBER HILLS DID NOT VIOLATE THE COMPETITIVE BIDDING RULES

The essence of USAC's denial of funding and its denial of Timber Hills' appeal is its finding that Timber Hills entered into "new" contracts with TQCI for FY 2016 before the expiration of the required 28-day bidding period, and indeed even before Timber Hills submitted its Form 465 for FY 2016, in violation of the program's competitive bidding rules. USAC found that the limited exception to the 28-day period rule established in the Bureau's *Kalamazoo Order*¹³ and clarified more recently for the RHC program in its *Waukon Order* did not apply, because "those circumstances are not present here."¹⁴ Indeed, the USAC Appeal Denial emphasized (and twice italicized) the *Waukon* exception's language "*to continue service under an existing contract,*" and concluded that "[b]ecause Timber Hills was not continuing to receive services through an existing contract, and instead signed *new contracts* with TeleQuality before

¹² A bonded T-1 (6Mb) service provided on a month-to-month basis in FY 2015, which was mentioned early in the USAC Appeal Denial, was not continued in FY 2016 and so is omitted from the spreadsheet.

¹³ *Kalamazoo Order*, *supra* note 11.

¹⁴ USAC Appeal Denial at p. 3.

the start of the 28-day waiting period for [its] FY 2016 FCC Form 465, Timber Hills did not comply with the FCC's competitive bidding rules."¹⁵

But, as shown above, these were not new contracts for FY 2016; they were contracts executed during FY 2015 that were intended to be for service during the latter months of FY 2015, and under which ordering and provisioning actually began during FY 2015, which allowed the circuits to actually be activated on later dates.¹⁶

The USAC denial may rely on the fact that the contracts at issue stated that "the term shall begin upon circuit completion date"¹⁷ and the services were not *activated* in FY 2015. This conflates service provisioning date with actual service activation (*i.e.*, "turn-up" date). However, although under the contracts TQCI was not to charge Timber Hills for services until they were actually activated, it began to perform its obligations under the contracts immediately, in its best efforts to *ready* the services for activation during FY 2015. Once TQCI receives a signed contract, the provisioning process begins and the customer receives weekly updates on the status of the order. In the matter at hand, once the contracts were executed on March 21, 2016, TQCI placed orders to the underlying carriers, thus beginning the provisioning process. Provisioning a telecommunications network encompasses preparation of the service by the underlying carrier, facility work, configuration and installation of the customer premise equipment (CPE), and finally a test and turn up (TTU) process. The TTU process consists of connecting CPE to the circuit, testing the circuit, and customer acceptance of the circuit upon completion of testing. The intent of both TQCI and Timber Hills was to have these services active as quickly as possible, and certainly within the 2015 funding year. Due to the lack of carrier facilities and

¹⁵ *Id.* at pp. 3-4 (italics in original).

¹⁶ See **Exhibit 3**, column 9 ("Date Service Installed").

¹⁷ USAC Appeal Denial at p. 2.

availability of technicians in these rural areas, TQCI was unable to accomplish service activation prior to the end of FY 2015. However, TQCI was clearly working diligently on behalf of the customer, and regularly communicating this work to the customer, for the entire duration of time between receipt of signed customer contracts and eventual service activation. Although the underlying service hadn't been activated, and thus the customer had not started receiving service bills, it is illogical to argue that TQCI was not providing valuable service to its customer. In short, Timber Hills expected to receive telecommunications service as quickly as possible from TQCI, which, in turn, was working diligently to accomplish the task.

Thus, in fact the March 21 contracts were existing and performance under them began during FY 2015, and so they were appropriate for adoption by Timber Hills in FY 2016 under *Waukon*, especially in the absence of any other bids. TQCI was performing those contracts for more than two months in FY 2015, with the objective and intention of activating the services during FY 2015.¹⁸ Timber Hills and TQCI should not be penalized for making best efforts to activate the services during FY 2015. Nor should Timber Hills be penalized for not filing a Form 466 for those contracted services before the end of FY 2015, since the services had not yet been turned on or billed during FY 2015.

It is worth noting that in *Waukon*, wherein the HCP's appeal was denied, the HCP had argued that it adhered to the competitive bidding rules because "*after it signed a service contract with Charter, it took appropriate action to seek competitive bids by posting an FCC Form 465.*"¹⁹ In *Kalamazoo*, where there *was* an existing contract, the Bureau granted the appeal. And in the *Cochrane-Fountain City School District Order*, the precursor to *Kalamazoo* that established the existing-contract exception, the Bureau ruled that "an applicant with an existing contract that was

¹⁸ See **Exhibit 3**, column 8 ("Date Provisioning Began").

¹⁹ *Waukon Order* at para. 5 (emphasis added).

not previously posted is obligated only to post its requests, carefully consider all bona fide bids submitted, and wait the requisite 28-day time period prior to renewing an existing contract for the funding year for which it is requesting discounts.”²⁰ This is exactly what Timber Hills did. In this case, Timber Hills and TQCI faithfully followed the competitive bidding rules under all these precedents, and Timber Hills’ adoption of the existing TQCI contracts falls squarely under *Cochrane* and the *Waukon* exception.²¹

Finally, it is important to note that neither Timber Hills nor TQCI has sought or expects payment for the pre-installation services provided during FY 2015 under the March 21, 2016 contracts. In fact, this is the source of the confusion surrounding this matter: Timber Hills did not submit Forms 466 for these services during FY 2015 because there was nothing to fund: billing had not started. Indeed, USAC likely would have denied funding under any such Forms 466. TQCI was able to activate those circuits only on later dates.²² Therefore, contractually, TQCI did not request payment for the pre-activation work, and Timber Hills did not render payment. Rather, the parties recognized that payment, and funding, would be appropriate only upon the activation of the subject circuits during FY 2016.

²⁰ *Request for Review by Cochrane-Fountain City School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-140683, CC Dockets No. 96-45 and 97-21, Order, 15 FCC Rcd 16628, 16631 para. 7 (Com. Car. Bur. 2000).

²¹ The *Kalamazoo Order* states specifically that “applicants who, after a bidding process, choose to continue service under an existing contract ***need not formally enter into a new contract***,” *Kalamazoo* at para. 7 (emphasis added), TQCI recognizes that the Bureau has suggested that it is “advisable” to “memorialize that decision after the bidding process is complete,” *Kalamazoo* at 1. See *Waukon* at para. 3 (applicants are “encouraged” to “memorialize, at the conclusion of the 28-day waiting period, its decision to continue under the existing contract and to enter the date of its memorialization as the contract award date”), inasmuch as “such action will help SLD to determine whether the applicant has in fact properly complied with the Commission’s competitive bidding requirements” and “will help SLD during application review to recognize instances where an applicant’s reliance on an existing contract does not facially violate competitive bidding rules.” *Kalamazoo* at para. 7. TQCI will adopt this suggestion as a best practice in any future HCP adoptions of existing contracts for which RHC funding will be sought.


²² See **Exhibit 3**.

III. PLEA FOR RELIEF AND CONCLUSION

Failure to reverse USAC's erroneous decision to deny funding for these necessary telecommunication services would have a terrible and adverse impact on Timber Hills. The budgetary ramifications of Timber Hills being denied appropriate and proper funding would be great, and could force Timber Hills to make difficult choices, such as whether to scale back the care provided at remote rural facilities, or possibly cut staffing levels, in order to offset the cost of lost RHC program funding. Timber Hills followed the program rules, and should not be penalized for doing so simply because the factual situation around its program compliance is complex and confusing. The Bureau should uphold the spirit and purpose of the RHC program-- assisting healthcare providers in rural communities to receive support for the often costly but critical telecommunications services required to provide quality healthcare-- as well as its own precedents in *Cochrane*, *Kalamazoo* and *Waukon*, by reversing the USAC Appeal Denial and granting the appropriately-requested funding.

Respectfully submitted,

TELEQUALITY COMMUNICATIONS, INC.

By 

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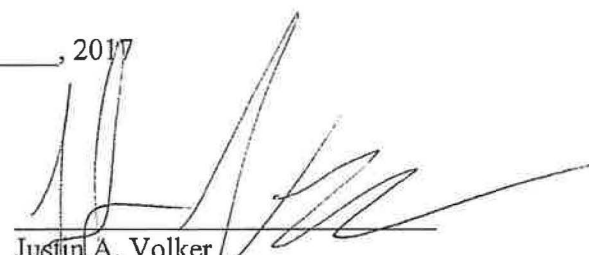
Its Attorney

July 10, 2017

DECLARATION

I declare under penalty of perjury that the foregoing Request for Review is true and correct to the best of my knowledge and belief.

Executed on this 10 day of July, 2017



Justin A. Volker
Director of Regulatory Affairs
TeleQuality Communications, Inc.

EXHIBIT 1

USAC Appeal Denial Letter



Rural Health Care Division

Administrator's Decision on Rural Health Care Program Appeals

Via Electronic and Certified Mail

May 10, 2017

Mr. Brad Vuncannon
Region IV Mental Health Services
301 South Cass St.
Corinth, MS 38835

Re: Timber Hills Mental Health Services Appeal of USAC's Decisions for Funding Year (FY) 2016 Funding Request Numbers (FRNs) 1694343, 1694344, and 1694345

Dear Mr. Vuncannon:

The Universal Service Administrative Company (USAC) has completed its evaluation of the December 9, 2016 letter of appeal submitted on behalf of Timber Hills Mental Health Services (Timber Hills).¹ The appeal requests that USAC reverse the denial of funding for FY 2016 FRNs 1694343, 1694344, and 1694345 in the federal Universal Service Rural Health Care Telecommunications Program (RHC Telecom Program).

USAC has reviewed the appeal and the facts related to this matter, and has determined that Federal Communications Commission (FCC) rules do not support reversing the denial of funding for FRNs 1694343, 1694344, and 1694345. Specifically, as discussed in detail below, Timber Hills signed new contracts with TeleQuality Communications, Inc. (TeleQuality) on March 21, 2016, prior to posting a FY 2016 FCC Form 465 to initiate the competitive bidding process for FY 2016. Accordingly, Timber Hills did not comply with the FCC's competitive bidding rules, and USAC is therefore unable to grant the appeal.

Appeal Decision Explanation

FCC rules require health care providers (HCPs) to conduct a competitive bidding process for eligible services by submitting a FCC Form 465, and waiting 28 days before selecting or signing a contract for eligible services.² The period after the 28 days sets the allowable contract selection date (ACSD), which is the earliest date that HCPs may enter into a contract with a service provider and receive RHC Telecom Program support for a particular funding year. Under FCC rules, there is a limited exception that permits an HCP to choose to continue to receive service under an existing contract signed before the end of the required 28-day period for the applicable FCC Form 465, provided that "(i) the applicant is choosing to continue

¹ Email from Brad Vuncannon, Timber Hills, to USAC (Dec. 9, 2016) (*Appeal*).

² 47 C.F.R. § 54.603(a), (b)(1), (3) (2016).

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service under an existing contract; (ii) the applicant competitively bid the services for the new funding year; and (iii) the applicant decides, after reviewing the competitive bids, to continue with the existing contract.”³ HCPs that consider an existing contract as a bid under these conditions must wait the required 28 days before deciding to continue services under the existing contract.⁴

On January 8, 2015, Timber Hills submitted a FY 2015 FCC Form 465 requesting telecommunications services, which resulted in the selection of TeleQuality to provide Bonded T-1 (6 Mbps) services for FY 2015 on a month-to-month basis and Ethernet (10 Mbps) services on a contract basis.⁵ On the corresponding FY 2015 FCC Form 466 requesting Ethernet (10 Mbps) services, Timber Hills indicated that it received no bids in response to its FY 2015 FCC Form 465 and provided August 21, 2015 as the “Date Contract Signed or Date HCP Selected Carrier.”⁶ Timber Hills also noted the contract reference number on the FY 2015 FCC Form 466 as “THM.MS.072915.0116,” and provided the contract for these services noting the same.⁷ USAC issued funding commitment letters (FCLs) for both the Bonded T-1 (6 Mbps) services and Ethernet (10 Mbps) services from TeleQuality.⁸

On March 21, 2016, Timber Hills signed three, three-year service agreements with TeleQuality.⁹ One agreement was for Ethernet (50 Mbps) service, and two agreements were for Ethernet (20 Mbps) services. All three TeleQuality contracts stated that “the term shall begin upon circuit completion date.”¹⁰

Subsequently, on May 25, 2016, Timber Hills submitted a FY 2016 FCC Form 465 requesting telecommunications services that had an ACSD of June 22, 2016.¹¹ On November 3, 2016, Timber Hills submitted FCC Forms 466 requesting the following FY 2016 services from TeleQuality: (1) Ethernet (50 Mbps) services (FRN 1694343), and (2) Ethernet (20 Mbps) services (FRNs 1694344 and 1694345). On each FCC Form 466, Timber Hills provided March 21, 2016 as the “Date Contract Signed or Date HCP Selected Carrier,” which was

³ *Request for Review Franciscan Skemp Waukon Clinic*, WC Docket No. 02-60, Order, 29 FCC Rcd 11714, 11715, para. 3 (2014) (*Waukon Order*) (citing to *Request for Review of the Decision of the Universal Service Administrator by Kalamazoo Pub. Schs.*, CC Docket No. 96-45, Order on Reconsideration, 17 FCC Rcd 22154, 22157-58, paras. 6-7 (2002)).

⁴ *See id.*

⁵ FY 2015 FCC Form 465 No. 43149995 (Jan. 8, 2015) (resulting in Funding Commitment Letter (FCL) for FRN 1558638 for Bonded T-1 (6 Mbps) services from TeleQuality and an FCL for FRN 1572999 for Ethernet (10 Mbps) services from TeleQuality).

⁶ FY 2015 FCC Form 466 for FRN 1572999 (Jan. 8, 2016).

⁷ FY 2015 FCC Form 466 for FRN 1572999 (Jan. 8, 2016); *see also* TeleQuality Agreement

THM.MS.072915.0116, at 1 (Aug. 21, 2015).

⁸ FY 2015 FCLs for FRNs 1558638 (June 10, 2015) (requesting Bonded T-1 (6 Mbps) services); FY 2015 FCL for FRN 1572999 (Jan. 13, 2016) (requesting Ethernet (10 Mbps) services).

⁹ TeleQuality HealthNet Agreements, at 1 (Mar. 21, 2016).

¹⁰ *Id.*

¹¹ FY 2016 FCC Form 465 No. 43165567 (May 25, 2016).

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before the June 22, 2016 ACSD for the FY 2016 FCC Form 465.¹² Timber Hills also indicated that it did not receive any bids in response to its FY 2016 FCC Form 465 and provided July 1, 2016 as the service installation date for FRNs 1694344 and 1694345 and September 20, 2016 as the service installation date for FRN 1694343.¹³ Further, Timber Hills noted the contract reference number for each of the requests as “THM.MS.072915.0030,” “THM.MS.072915.0031,” and “THM.MS.072915.0029,” respectively.¹⁴ The contracts submitted in support of these requests noted the same.¹⁵ On December 6, 2016, USAC denied FRNs 1694343, 1694344, and 1694345 because Timber Hills did not comply with the FCC’s competitive bidding rules.¹⁶ USAC determined that the TeleQuality contracts were signed before the June 22, 2016 ACSD for Timber Hills’s FY 2016 FCC Form 465.¹⁷

In its appeal, Timber Hills requests that USAC reverse the denial of funding for FRNs 1694343, 1694344, and 1694345 and states “[t]he application number for the funding years of 2015 and 2016 are Form 465 FY 2015 – Application # 43149995 and Form 465 FY 2016 – Application # 43165567.”¹⁸ Timber Hills asserts that it believes there was “confusion on which year these FRNs were filed for based on the combination of the filing for 2016 not being filed till May 25, 2016 and the late installation of the services.”¹⁹ Timber Hills also notes that it did not receive any other bids for its FY 2016 FCC Form 465.²⁰

Based on the documentation provided, we find that Timber Hills did not comply with the FCC’s competitive bidding rules. As explained above, FCC rules allow HCPs to choose to continue to receive service from a prior funding year under an existing contract signed before the start of the required 28-day period for the applicable FCC Form 465, provided that “(i) the applicant is choosing to *continue service under an existing contract*; (ii) the applicant competitively bid the services for the new funding year; and (iii) the applicant decides, after reviewing the competitive bids, to *continue with the existing contract*.”²¹ However, those circumstances are not present here.

As noted above, Timber Hills requested and received support for Bonded T-1 (6 Mbps) services for FY 2015 on a month-to-month basis and Ethernet (10 Mbps) services for FY 2015 under contract “THM.MS.072915.0116” signed August 21, 2015.²² Timber Hills then submitted FY 2016 FCC Forms 466 requesting Ethernet (50 Mbps) services (FRN 1694343) and Ethernet (20 Mbps) services (FRNs 1694344 and 1694345) from TeleQuality based on

¹² FY 2016 FCC Forms 466 for FRNs 1694343, 1694344, and 1694345 (Nov. 3, 2016).

¹³ *Id.*

¹⁴ *Id.*

¹⁵ TeleQuality Agreement THM.MS.072915.0030, at 1 (Mar. 21, 2016) (related to FRN 1694344); TeleQuality Agreement THM.MS.072915.0031, at 1 (Mar. 21, 2016) (related to FRN 1694345); TeleQuality Agreement THM.MS.031016.0029, at 1 (Mar. 21, 2016) (related to FRN 1694343).

¹⁶ FY 2016 Denial Letters for FRNs 1694343, 1694344, and 1694345 (Dec. 6, 2016).

¹⁷ Email from USAC, to Timber Hills (Dec. 6, 2016).

¹⁸ *Appeal* at 1.

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Waukon Order*, 29 FCC Rcd at 11715, para. 3 (emphasis added).

²² TeleQuality Agreement THM.MS.072915.0116, at 1 (Aug. 21, 2015) (related to FRN 1572999).

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three new contracts, all of which were signed on March 21, 2016 before the ACSD of June 22, 2016: (1) contract "THM.MS.072915.0030;" (2) contract "THM.MS.072915.0031;" and (3) contract "THM.MS.072915.0029."²³ Thus, Timber Hills was not continuing to receive these services through an existing contract when it initiated its competitive bidding process for FY 2016. Rather, contracts "THM.MS.072915.0030," "THM.MS.072915.0031," and "THM.MS.072915.0029" were new contracts for FY 2016 executed 65 days before Timber Hills posted its FY 2016 FCC Form 465 and before the June 22, 2016 ACSD. Because Timber Hills was not continuing to receive services through an existing contract, and instead signed *new contracts* with TeleQuality before the start of the 28-day waiting period for Timber Hills's FY 2016 FCC Form 465, Timber Hills did not comply with the FCC's competitive bidding rules.²⁴

Further, although Timber Hills's FY 2016 FCC Forms 466 for FRNs 1694343, 1694344, and 1694345 indicate that Timber Hills received no bids in response to its FY 2016 FCC Form 465, the FCC has found that this fact does not cure the failure to wait 28 days before selecting a service provider.²⁵ Therefore, FY 2016 FRNs 1694343, 1694344, and 1694345 cannot be funded through the RHC Telecom Program.

If you wish to appeal this decision or request a waiver, you can follow the instructions pursuant to 47 C.F.R. Part 54, Subpart I (47 C.F.R. §§ 54.719 to 725). Further instructions for filing appeals or requesting waivers are also available at:

<http://www.usac.org/about/about/program-integrity/appeals.aspx>

Sincerely,

/s/ Universal Service Administrative Company

²³ TeleQuality Agreement THM.MS.072915.0030, at 1 (Mar. 21, 2016) (related to FRN 1694344); TeleQuality Agreement THM.MS.072915.0031, at 1 (Mar. 21, 2016) (related to FRN 1694345); TeleQuality Agreement THM.MS.031016.0029, at 1 (Mar. 21, 2016) (related to FRN 1694343).

²⁴ See *Waukon Order*, 29 FCC Rcd at 11717, para. 9 (affirming USAC's denial of funding based on a violation of the FCC's competitive bidding rules, where the HCP requested FY 2005 funding based on a new contract that it signed one day before posting its FY 2005 FCC Form 465 and stating that "[e]ntering into an agreement with a service provider before the completion of the 28-day bidding period circumvents the competitive bidding process and ultimately damages the integrity of the program.").

²⁵ See *id.* at 11717, para. 8 (stating "[t]he fact that [the HCP] did not receive bids from any other service provider during the 28-day waiting period does not cure [the HCP's] error in prematurely signing a contract with [the service provider].").

EXHIBIT 2

Funding Year 2015 FCC Form 465

Health Care Providers Universal Service Description of Services Requested & Certification Form

Read instructions thoroughly before completing this form. Failure to comply may cause delayed or denied funding.

Form 465 Application Number (assigned by RHCD) 43149995

Block 1: HCP Location Information

Information required in this block applies to the **physical location** of the HCP. Do not enter a "PO Box" or "Rural Route" address.

1 HCP Number 28200	2 Consortium Name	
3 HCP Name Timber Hills Mental Health Services / Region IV - Alcorn County Childrens Services	4 HCP FCC Registration Number (FCC RN) 0021540315	
5 Contact Name Brad D Vuncannon		
6 Address Line 1 2664 South Harper Road		
7 Address Line 2	8 County Alcorn	
9 City Corinth	10 State MS	11 ZIP Code 38834
12 Phone # (662) 287-4055	13 Fax # (662) 287-4114	14 E-mail brad.vuncannon@regionivmhs.com

Block 2: HCP Mailing Contact Information

15 Is the HCP's mailing address (where correspondence should be sent) different from its physical location described in Block 1?		<input checked="" type="checkbox"/> Yes, complete Block 2
		<input type="checkbox"/> No, go to Block 3.
16 Contact Name Brad D Vuncannon		17 Organization Region IV Mental Health Services
18 Address Line 1 PO Box 839		
19 Address Line 2		
20 City Corinth	21 State MS	22 ZIP Code 38835
23 Phone # (662) 728-6338	24 Fax # (662) 728-6337	25 E-mail brad.vuncannon@regionivmhs.com

Block 3: Funding Year Information

26 Funding Year (Check only one box)		
<input type="checkbox"/> Year 2013 (7/1/2013-6/30/2014)	<input type="checkbox"/> Year 2014 (7/1/2014-6/30/2015)	<input checked="" type="checkbox"/> Year 2015 (7/1/2015-6/30/2016)

Block 4: Eligibility

27 Only the following types of HCPs are eligible. Indicate which category describes the applicant. (Check only one.)	
<input type="checkbox"/> Post-secondary educational institution offering health care instruction, teaching hospital or medical school	<input type="checkbox"/> Rural health clinic
<input type="checkbox"/> Community health center or health center providing health care to migrants	<input type="checkbox"/> Consortium of the above
<input type="checkbox"/> Local health department or agency	<input type="checkbox"/> Dedicated ER of rural, for-profit hospital
<input checked="" type="checkbox"/> Community mental health center	<input type="checkbox"/> Part-time eligible entity
<input type="checkbox"/> Not-for-profit hospital	

28 If consortium, dedicated emergency department, or part-time eligible entity was selected in Line 27, please describe the entity.

29 Please describe the eligible health care provider's telecommunications and/or Internet service needs, so that service providers may bid to provide the services. The description should describe whether video or store and forward consultations will be used, whether large image files or X-rays will be transmitted, the quality of connection needed, or other relevant considerations. Transmission of voice and data along with sending and receiving medical records and prescriptions.

Block 5: Request for Services

30 Is the HCP requesting reduced rates for:		
<input type="checkbox"/> Both Telecommunications & Internet Services	<input checked="" type="checkbox"/> Telecommunications Service ONLY	<input type="checkbox"/> Internet Service ONLY

Block 6: Certification

31 <input checked="" type="checkbox"/> I certify that I am authorized to submit this request on behalf of the above-named entity or entities, that I have examined this request, and that to the best of my knowledge, information, and belief, all statements of fact contained herein are true.	
32 <input checked="" type="checkbox"/> I certify that the health care provider has followed any applicable State or local procurement rules.	
33 <input checked="" type="checkbox"/> I certify that the telecommunications services and/or Internet access charges that the HCP receives at reduced rates as a result of the HCPs' participation in this program, pursuant to 47 U.S.C. Sec. 254 as implemented by the Federal Communications Commission, will be used solely for purposes reasonably related to the provision of health care service or instruction that the HCP is legally authorized to provide under the law of the state in which the services are provided and will not be sold, resold, or transferred in consideration for money or any other thing of value.	
34 <input checked="" type="checkbox"/> I certify that the health care provider is a non-profit or public entity.	
35 <input checked="" type="checkbox"/> I certify that the health care provider is located in a rural area. Visit the RHCD website: (http://www.usac.org/rhc/tools/rhcd/rural/2005/search.asp) or contact RHCD at 1-800-229-5476 for a listing of rural areas.	
36 <input checked="" type="checkbox"/> Pursuant to 47 C.F.R. Secs. 54.601 and 54.603, I certify that the HCP or consortium that I am representing satisfies all of the requirements herein and will abide by all of the relevant requirements, including all applicable FCC rules, with respect to funding provided under 47 U.S.C. Sec. 254.	
37 Signature Electronically signed	38 Date 08-Jan-2015
39 Printed name of authorized person Brad Vuncannon	40 Title or position of authorized person IT Director
41 Employer of authorized person Region IV Mental Health Services	42 Employer's FCC RN 0021540315

Please remember:

- ♦ Form 465 is the **first** step a health care provider must take in order to receive the benefit of reduced rates resulting from participation in this universal service support program.
- ♦ After the HCP submits a complete and accurate Form 465, the RHCD will post it on the RHCD web site for 28 days.
- ♦ HCPs may not enter into agreements to purchase eligible services from service providers before the **28 days expire**.
- ♦ After the HCP selects a service provider, the HCP must initiate the **next** step in the application process, the filing of Form 466 and/or 466A.

Persons willfully making false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

FCC NOTICE FOR INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

Part 3 of the Commission's Rules authorize the FCC to request the information on this form. The purpose of the information is to determine your eligibility for certification as a health care provider. The information will be used by the Universal Service Administrative Company and/or the staff of the Federal Communications Commission, to evaluate this form, to provide information for enforcement and rulemaking proceedings and to maintain a current inventory of applicants, health care providers, billed entities, and service providers. No authorization can be granted unless all information requested is provided. Failure to provide all requested information will delay the processing of the application or result in the application being returned without action. Information requested by this form will be available for public inspection. Your response is required to obtain the requested authorization.

The public reporting for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, AMD-PER, Paperwork Reduction Act Project (3060-0804), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to pra@fcc.gov. PLEASE DO NOT SEND YOUR RESPONSE TO THIS ADDRESS.

Remember - You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0804.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, PUBLIC LAW 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3) AND THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.

This form should be submitted to:

Rural Health Care Division
30 Lanidex Plaza West, P.O.Box 685
Parsippany NJ 07054-0685

EXHIBIT 3

Document Associations Spreadsheet

ICPC	Source Type & Description	Form 446 Filed Date	Contract #	Contract Signature Date	Billing Agreement #	First Prebidding Date	First Offer Submitted	2015 FIC	Form 446 Submission Date	Form 446 Bidding Date	2016 Form 446 #	2016 Form 446 Filed Date	2016 FIC	Form 446 Submission Date	Form 446 Bidding Date
2500	General, 10/16	1/18/2013	TID#LS07031016	8/27/2013	TID#LS002	8/27/2013	12/20/13	1/2/2014	6/11/2014	1/16/2014	5/25/2016	6/7/2016	4/2/2016	6/15/2016	
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EXHIBIT 4

Timber Hills USAC Appeal Letter

From: Brad Vuncannon [<mailto:brad.vuncannon@regionivmhs.com>]

Sent: Friday, December 09, 2016 10:22 AM

To: rhc-appeals <rhc-appeals@usac.org>

Cc: Tara Nordstrom <Tara@telequality.com>

Subject: Appeals

I am filing an appeal on the behalf of Region IV Mental Health Services. Please refer to the attached letter on 12/9/2016. The following information is attached to the email also as directed:

Applicant name: Region IV Mental Health Services

Contact information: Brad Vuncannon
301 South Cass St
Corinth MS 38835
662-286-9860
brad.vuncannon@regionivmhs.com

Provided documentation of USAC's decision.
Please see attached denials.

Included supportive documentation:

1. Contracts for the 3 denied FRNs
2. The denials from USAC
3. Appeal Letter
4. Screenshot of when the FRNs were filed
5. Letter from Service Provider explaining the delay in installation.

The problem and reason for the appeal: Please see attached letter

Explaining what the desired results of the appeal is: Please see attached letter.]

Thank you and please contact me if there are any questions on this appeal.

Contacts:

Region IV Mental Health Services - Brad Vuncannon, please see above contact information.
Telequality Communications, Inc. - Tara Nordstrom
Funding Specialist
TeleQuality Communications, Inc.

O (210) 408-0388 | F (210) 408-1700



This email has been checked for viruses by Avast antivirus software.
www.avast.com

The information contained in this electronic communication and any attachments and links to websites are intended for the exclusive use of the addressee(s) and may contain confidential or privileged information. If you are not the intended recipient, or the person responsible for delivering this communication to the intended recipient, be advised you have received this communication in error and that any use, dissemination, forwarding, printing or copying is strictly prohibited. Please notify the sender immediately and destroy all copies of this communication and any attachments.

Region IV Mental Health Services

PO Box 839 Corinth, MS 38835

662-286-9883

www.regionivmhs.com



December 9, 2016

Universal Service Administrative Co.

Rural Health Care

Attn: Letter of Appeal

700 12th Street, NW, Suite 900

Washington, DC 20005

TO WHOM IT MAY CONCERN,

I am filing an appeal for Region IV Mental Health Service (Timberhills Mental Health). The appeal is for HCP 28200 and FRNs 1694343, 1694344, and 1694345. The application number for the funding years of 2015 and 2016 are Form 465 FY 2015 – Application # 43149995 and Form 465 FY 2016 – Application # 43165567. I believe that there is confusion on which year these FRNs were filed for based on the combination of the filing for 2016 not being filed till May 25, 2016 and the late installation of the services based on site problems with the installation. Attached with this letter and email you will find a letter from our service provider explaining about the delay in installation and issues with the sites.

We, to the best of my memory, did not receive any other bids on these services except that of our service provider Telequality Communications, Inc. And we as an agency waited over a year past our ACSD date before signing the current contracts with this provider. We have attached along with this letter to the appeal email supporting documentation of our appeal for the desired outcome of receiving payment for these FRNs. If there are any questions or further information needed please contact me or Tara Nordstrom with our service provider, I have attached her contact information in the email.

Sincerely,

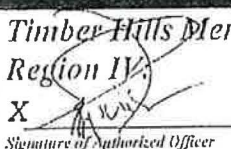

Brad Vuncannon

IT Director

Region IV Mental Health Services



TeleQuality HealthNet with Internet

HCP: 28200		Funding Year: 2015		ACSD: 2/5/2015	
Customer: Timber Hills Mental Health Services / Region IV					
Description ID: Alcorn Childrens 50 MB Ethernet Healthnet					
MAILING CONTACT			BILLING CONTACT		
Region IV Mental Health Services P.O. Box 839 Corinth, MS 38835			Brad Vuncannon 662-286-2152 Brad.vuncannon@regoinivmhs.com		
Billing Number: THM.MS.0047			Contract Number: THM.MS.031016.0029 Term: 36 months Term shall begin upon circuit completion date.		
RATES & FEES					
CIRCUIT PRICE INFORMATION:			TAX INFORMATION:		
Total Monthly Rate: \$4,283.00 Loop: \$4,283.00 Port: \$1,100.00 (Waived) Total Installation Charge: \$2,800.00			Tax Exempt: Yes TeleQuality has Received Exempt forms: Yes Taxes, Surcharges and Fees may apply.		
SERVICE LOCATION INFORMATION					
CIRCUIT LOCATION 662-287			IP INFORMATION		
Site Name: Timber Hills Mental Health Services / Region IV - Alcorn County Childrens Services Site Phone #: 662-287-4055 Address 1: 2664 South Harper Road Address 2: City, State, Zip: Corinth, MS 38834 DMARC: server room Access person: Syble Gigi Hours of Operation: M-F 8-5			Speed: 50 MB Ethernet Delivery: static Number of IP Addresses: /30 Network service delivered via RJ45 interface		
TECHNICAL PROVISIONING					
Main Customer Contact: Larry Howell, 662-728-6338, lhowell@timberhills.com					
SIGNATURES					
Timber Hills Mental Health Services / Region IV  X Signature of Authorized Officer Name: Charlie D Spearman, Sr. Title: CEO Date of Signature: 3-21-2016			TeleQuality:  X Signature of Authorized Officer Name: Tim Koxlien Title: CEO Date of Signature:		

By signing this order form, customer agrees to all charges including monthly recurring and non-recurring charges listed in the Rates and Fees section and the service term listed in the billing section. Should customer cancel the services prior to the expiration of the service term, customer agrees to pay an early termination penalty of the number of months remaining in the term times the monthly recurring charges and additionally rebate any waived non-recurring charges for installation fees, payable on the invoice following the cancellation notice to TeleQuality.

Please Fax signed contract to: 210-408-1700

Also send two originals to:
TeleQuality Communications, Inc
21232 Gathering Oaks, Suite 107
San Antonio, TX 78260

TeleQuality Private Line Contract

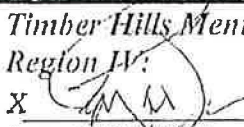
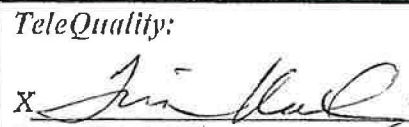
HCP: 28200

Funding Year: 2015

ACSD: 2/5/2015

Customer: Timber Hills Mental Health Services / Region IV

Description ID: DeSoto Childrens 20 Mb Ethernet Point-to-Point

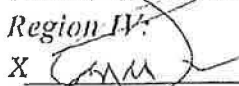

MAILING CONTACT		BILLING CONTACT	
Region IV Mental Health Services P.O. Box 839 Corinth, MS 38835		Brad Vuncannon 662-286-2152 Brad.vuncannon@regoinivmhs.com	
Billing Number: THM.MS.0048		Contract Number: THM.MS.031016.0030 Term: 36 months Term shall begin upon circuit completion date.	
RATES & FEES			
CIRCUIT PRICE INFORMATION:		TAX INFORMATION:	
Total Monthly Rate: \$3,974.00 Total Installation Charge: \$2,800.00		Tax Exempt: Yes TeleQuality has Received Exempt forms: Yes Taxes, Surcharges and Fees may apply.	
SERVICE LOCATION INFORMATION			
CIRCUIT LOCATION A 662-287		CIRCUIT LOCATION Z 662-449	
Site Name: Timber Hills Mental Health Services / Region IV - Alcorn County Childrens Services Site Phone #: 662-287-4055 Address 1: 2664 South Harper Road Address 2: City, State, Zip: Corinth, MS 38834 DMARC: server room Access person: Syble Gigi Hours of Operation: M-F 8-5		Site Name: Timber Hills Mental Health Services / Region IV - DeSoto County Childrens Services Site Phone #: 662-449-1808 Address 1: 2725 Hwy 51 South Address 2: City, State, Zip: Hernando, MS 38632 DMARC: wiring room on right after double doors Access person: Jennie Lanier Hours of Operation: M-F 8-5	
TECHNICAL PROVISIONING			
Main Customer Contact: Larry Howell, 662-728-6338, lhowell@timberhills.com			
Network service delivered via RJ45 interface			
SIGNATURES			
Timber Hills Mental Health Services / Region IV: X  Signature of Authorized Officer Name: Charlie D Spearman, Sr. Title: CEO Date of Signature: 3-21-2016		TeleQuality: X  Signature of Authorized Officer Name: Tim Koxlien Title: CEO Date of Signature: _____	

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Please Fax signed contract to: 210-408-1700

Also send two originals to:
TeleQuality Communications, Inc
21232 Gathering Oak, Suite 107
San Antonio, TX 78260

TeleQuality Private Line Contract

HCP: 28200		Funding Year: 2015	ACSD: 2/5/2015
Customer: Timber Hills Mental Health Services / Region IV			
Description ID: DeSoto Adult 20 Mb Ethernet Point-to-Point			
MAILING CONTACT		BILLING CONTACT	
Region IV Mental Health Services P.O. Box 839 Corinth, MS 38835		Brad Vuncannon 662-286-2152 Brad.vuncannon@regoinivmhs.com	
Billing Number: THM.MS.0049		Contract Number: THM.MS.031016.0031 Term: 36 months Term shall begin upon circuit completion date.	
RATES & FEES			
CIRCUIT PRICE INFORMATION:		TAX INFORMATION:	
Total Monthly Rate: \$3,974.00 Total Installation Charge: \$2,800.00		Tax Exempt: Yes TeleQuality has Received Exempt forms: Yes Taxes, Surcharges and Fees may apply.	
SERVICE LOCATION INFORMATION			
CIRCUIT LOCATION A 662-287		CIRCUIT LOCATION Z 662-449	
Site Name: Timber Hills Mental Health Services / Region IV - Alcorn County Childrens Services Site Phone #: 662-287-4055 Address 1: 2664 South Harper Road Address 2: City, State, Zip: Corinth, MS 38834 DMARC: server room Access person: Syble Gigi Hours of Operation: M-F 8-5		Site Name: Timber Hills Mental Health Services / Region IV - DeSoto County Adult Services Site Phone #: 662-449-1971 Address 1: 2705 Hwy 51 South Address 2: City, State, Zip: Hernando, MS 38632 DMARC: server room Access person: Jenna Murdock Hours of Operation: M-F 8-5	
TECHNICAL PROVISIONING			
Main Customer Contact: Larry Howell, 662-728-6338, lhowell@timberhills.com			
Network service delivered via RJ45 interface			
SIGNATURES			
Timber Hills Mental Health Services / Region IV: X  Signature of Authorized Officer Name: Charlie D Spearman, Sr. Title: CEO Date of Signature: 3-21-2016		TeleQuality: X  Signature of Authorized Officer Name: Tim Koxlien Title: CEO Date of Signature: _____	

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Please Fax signed contract to: 210-408-1700

Also send two originals to:
TeleQuality Communications, Inc
21232 Gathering Oak, Suite 107
San Antonio, TX 78260

Justin A. Volker

From: rhc-assist@usac.org
Sent: Tuesday, December 6, 2016 8:40 AM
To: brad.vuncannon@regionivmhs.com; Funding
Subject: RHC Telecommunications Program - FCC Form 466 - Denial Notice - HCP # 28200

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Date: 06-Dec-2016
Program: Telecommunications Program
Funding Year: 2016
Health Care Provider (HCP) Name: Timber Hills Mental Health Services / Region IV - Alcorn County Childrens Services
HCP Number: 28200
Funding Request Number (FRN): 1694343
FCC Form 465 Application Number: 43165567

The Universal Service Administrative Company (USAC)'s Rural Health Care (RHC) Program reviewed the FCC Form 466 (Funding Request and Certification Form) and supporting documentation submitted by the HCP referenced above. Based on the information provided, USAC is unable to provide support for the following reason(s):

1. The HCP has violated the Telecommunication's Program competitive bidding rules. See 47 C.F.R. Section 54.603.

Service Provider Name: TeleQuality Communications, Inc.
Service Provider Identification Number (SPIN): 143031579

Next Steps

To appeal this decision, deliver a letter of appeal to USAC within 60 days of the date of this letter. Detailed instructions for filing appeals are available at: <http://www.usac.org/about/about/program-integrity/appeals.aspx>.

For More Information

Please do not reply directly to this email, as emails to this account will not be delivered to the RHC Program team. For questions or assistance, contact the Rural Health Care Program Help Desk at (800) 453-1546 or by email at rhc-assist@usac.org.

For more information about the Telecommunications Program application process, refer to the Telecom Program Getting Started web page at <http://www.usac.org/rhc/telecommunications/process-overview/default.aspx/>.

For more information about the FCC Form 466, visit the Telecommunications Program Forms web page at <http://www.usac.org/rhc/telecommunications/tools/forms/>.

The HCP mailing contact, all account holders related to this circuit, the contact at the HCP's physical location have been copied on this email. In addition, a copy of this letter has been sent to the entity identified below as your selected telecommunications carrier.

Justin A. Volker

From: rhc-assist@usac.org
Sent: Tuesday, December 6, 2016 8:40 AM
To: brad.vuncannon@regionivmhs.com; Funding
Subject: RHC Telecommunications Program - FCC Form 466 - Denial Notice - HCP # 28200

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Date: 06-Dec-2016
Program: Telecommunications Program
Funding Year: 2016
Health Care Provider (HCP) Name: Timber Hills Mental Health Services / Region IV - Alcorn County Childrens Services
HCP Number: 28200
Funding Request Number (FRN): 1694344
FCC Form 465 Application Number: 43165567

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Service Provider Name: TeleQuality Communications, Inc.
Service Provider Identification Number (SPIN): 143031579

Next Steps

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For More Information

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Justin A. Volker

From: rhc-assist@usac.org
Sent: Tuesday, December 6, 2016 8:41 AM
To: brad.vuncannon@regionivmhs.com; Funding
Subject: RHC Telecommunications Program - FCC Form 466 - Denial Notice - HCP # 28200

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Date: 06-Dec-2016
Program: Telecommunications Program
Funding Year: 2016
Health Care Provider (HCP) Name: Timber Hills Mental Health Services / Region IV - Alcorn County
Childrens Services
HCP Number: 28200
Funding Request Number (FRN): 1694345
FCC Form 465 Application Number: 43165567

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1. The HCP has violated the Telecommunication's Program competitive bidding rules. See 47 C.F.R. Section 54.603.

Service Provider Name: TeleQuality Communications, Inc.
Service Provider Identification Number (SPIN): 143031579

Next Steps

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The HCP mailing contact, all account holders related to this circuit, the contact at the HCP's physical location have been copied on this email. In addition, a copy of this letter has been sent to the entity identified below as your selected telecommunications carrier.



December 9, 2016

USAC
Rural Health Care Program
Telecommunications and Internet Access
30 Lanidex Plaza West, PO Box 685
Parsippany, NJ 07054-0685

To Whom This May Concern:

Response to the My Portal inquiry, regarding all circuits for HCP 28200:

The intent of TQCI was to have the service installed prior to the end of the 2015FY. Due to the lack of carrier facilities and availability of technicians in this rural area, we were unable to accomplish this and service will be installed in the 2016FY.

Please let us know if any further information is needed.

Thanks,

Tara Nordstrom
Funding Specialist
TeleQuality Communications, Inc.
210-408-0388 Ext. 106
tara@telequality.com

EXHIBIT 5

Funding Year 2016 FCC Form 465

Health Care Providers Universal Service
Description of Services Requested & Certification Form

Estimated time per response: 1 hour

Read instructions thoroughly before completing this form. Failure to comply may cause delayed or denied funding.

Form 465 Application Number (assigned by RHCD) 43165567

Block 1: HCP Location InformationInformation required in this block applies to the **physical location** of the HCP. Do not enter a "PO Box" or "Rural Route" address.

1 HCP Number 28200	2 Consortium Name	
3 HCP Name Timber Hills Mental Health Services / Region IV - Alcorn County Childrens Services	4 HCP FCC Registration Number (FCC RN) 0021540315	
5 Contact Name Brad D Vuncannon		
6 Address Line 1 2664 South Harper Road		
7 Address Line 2	8 County Alcorn	
9 City Corinth	10 State MS	11 ZIP Code 38834
12 Phone # (662) 287-4055	13 Fax # (662) 287-4114	14 E-mail brad.vuncannon@regionivmhs.com

Block 2: HCP Mailing Contact Information

15 Is the HCP's mailing address (where correspondence should be sent) different from its physical location described in Block 1?		<input checked="" type="checkbox"/> Yes, complete Block 2
		<input type="checkbox"/> No, go to Block 3.
16 Contact Name Brad D Vuncannon		17 Organization Region IV Mental Health Services
18 Address Line 1 PO Box 839		
19 Address Line 2		
20 City Corinth	21 State MS	22 ZIP Code 38835
23 Phone # (662) 728-6338	24 Fax # (662) 728-6337	25 E-mail brad.vuncannon@regionivmhs.com

Block 3: Funding Year Information

26 Funding Year (Check only one box)		
<input checked="" type="checkbox"/> Year 2016 (7/1/2016-6/30/2017)	<input type="checkbox"/> Year 2017 (7/1/2017-6/30/2018)	<input type="checkbox"/> Year 2018 (7/1/2018-6/30/2019)

Block 4: Eligibility

27 Only the following types of HCPs are eligible. Indicate which category describes the applicant. (Check only one.)	
<input type="checkbox"/> Post-secondary educational institution offering health care instruction, teaching hospital or medical school	<input type="checkbox"/> Rural health clinic
<input type="checkbox"/> Community health center or health center providing health care to migrants	<input type="checkbox"/> Consortium of the above
<input type="checkbox"/> Local health department or agency	<input type="checkbox"/> Dedicated ER of rural, for-profit hospital
<input checked="" type="checkbox"/> Community mental health center	
<input type="checkbox"/> Not-for-profit hospital	<input type="checkbox"/> Part-time eligible entity

28 If consortium, dedicated emergency department, or part-time eligible entity was selected in Line 27, please describe the entity.

29 Please describe the eligible health care provider's telecommunications and/or Internet service needs, so that service providers may bid to provide the services. The description should describe whether video or store and forward consultations will be used, whether large image files or X-rays will be transmitted, the quality of connection needed, or other relevant considerations. Transmission of voice and data along with sending and receiving medical records along with prescriptions

Block 5: Request for Services

30 Is the HCP requesting reduced rates for:		
<input type="checkbox"/> Both Telecommunications & Internet Services	<input checked="" type="checkbox"/> Telecommunications Service ONLY	<input type="checkbox"/> Internet Service ONLY

Block 6: Certification

31 <input checked="" type="checkbox"/> I certify that I am authorized to submit this request on behalf of the above-named entity or entities, that I have examined this request, and that to the best of my knowledge, information, and belief, all statements of fact contained herein are true.	
32 <input checked="" type="checkbox"/> I certify that the health care provider has followed any applicable State or local procurement rules.	
33 <input checked="" type="checkbox"/> I certify that the telecommunications services and/or Internet access charges that the HCP receives at reduced rates as a result of the HCPs' participation in this program, pursuant to 47 U.S.C. Sec. 254 as implemented by the Federal Communications Commission, will be used solely for purposes reasonably related to the provision of health care service or instruction that the HCP is legally authorized to provide under the law of the state in which the services are provided and will not be sold, resold, or transferred in consideration for money or any other thing of value.	
34 <input checked="" type="checkbox"/> I certify that the health care provider is a non-profit or public entity.	
35 <input checked="" type="checkbox"/> I certify that the health care provider is located in a rural area. Visit the Eligible Rural Areas Search Tool on the Telecommunications Program web page at http://usac.org/rhc/telecommunications/tools/rural/search/search.asp or contact RHCD at (800) 453-1546 for a listing of rural areas.	
36 <input checked="" type="checkbox"/> Pursuant to 47 C.F.R. Secs. 54.601 and 54.603, I certify that the HCP or consortium that I am representing satisfies all of the requirements herein and will abide by all of the relevant requirements, including all applicable FCC rules, with respect to funding provided under 47 U.S.C. Sec. 254.	
37 Signature Electronically signed	38 Date 25-May-2016
39 Printed name of authorized person Brad Vuncannon	40 Title or position of authorized person IT Director
41 Employer of authorized person Region IV Mental Health Services	42 Employer's FCC RN 0021540315

Please remember:

- ◆ Form 465 is the **first** step a health care provider must take in order to receive the benefit of reduced rates resulting from participation in this universal service support program.
- ◆ After the HCP submits a complete and accurate Form 465, RHCD will post it on the RHCD web site for 28 days.
 - ◆ HCPs may not enter into agreements to purchase eligible services from service providers before the **28 days expire**.
 - ◆ After the HCP selects a service provider, the HCP must initiate the **next** step in the application process, the filing of Form 466 and/or 466A.

Persons willfully making false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

FCC NOTICE FOR INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

Part 3 of the Commission's Rules authorize the FCC to request the information on this form. The purpose of the information is to determine your eligibility for certification as a health care provider. The information will be used by the Universal Service Administrative Company and/or the staff of the Federal Communications Commission, to evaluate this form, to provide information for enforcement and rulemaking proceedings and to maintain a current inventory of applicants, health care providers, billed entities, and service providers. No authorization can be granted unless all information requested is provided. Failure to provide all requested information will delay the processing of the application or result in the application being returned without action. Information requested by this form will be available for public inspection. Your response is required to obtain the requested authorization.

The public reporting for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, AMD-PER, Paperwork Reduction Act Project (3060-0804), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to pra@fcc.gov. PLEASE DO NOT SEND YOUR RESPONSE TO THIS ADDRESS.

Remember - You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0804.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, PUBLIC LAW 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3) AND THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.

This form should be submitted online through the RHC Program online application system, My Portal.

<https://forms.universalservice.org/usaclogin/login.asp>